



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/373,625 08/13/99 GRANGER

D 7791-0085-5

022850 TM02/0619
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2164
DATE MAILED:

06/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/373,625

Applicant(s)
Granger et al

Examiner
Nguyen Nga B

Art Unit
2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 26, 2000
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-57, and 60-64 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-57, and 60-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 11
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 2164

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on October 26, 2000 , which papers has been placed of record in the file.
2. Claims 1-8, 10-57, and 60-64 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-8, 10-57, and 60-64 have been fully considered but are moot in view of the new ground(s) of rejection.
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2164

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-7, 10-14, 17, 27-29, 37, 38, 43-45, 49-51, 56, 57, 60, and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Park, U.S. Patent No. 5,627,549.

Regarding to claim 1, Park discloses an in-vehicle promotions system installed in a vehicle, comprising:

a position receiver configured to provide position data for vehicle (figure 2, item 80 and column 4, lines 12-18);

a controller connected to receiver (figure 2, item 60);

a wireless communications device configured to receive promotional information and connected to controller (column 3, lines 42-48); and

an interior display configured to be installed in vehicle and connected to controller (figure 2, item 100).

wherein controller outputs promotional information to interior display based on position data (column 5, lines 20-32; column 6, lines 3-15 and figure 3)

Regarding to claim 3, Park further discloses receiver comprises one of a GPS receiver and a Loran receiver (figure 2, item 80).

Art Unit: 2164

Regarding to claim 4, Park further discloses wireless communications device comprises one of a radio modem, a cellular modem and pager transceiver (column 3, lines 42-48).

Regarding to claim 5, Park further discloses a memory connected to controller having a lookup table linking a position of vehicle with a storage location of promotions information (column 6, lines 55-65).

Regarding to claim 6, Park further discloses means for updating memory (column 10, lines 36-42).

Regarding to claim 7, Park further discloses memory comprises a promotions information storage area (column 7, lines 1-10).

Regarding to claim 10, Park further discloses means for storing information linking a zone with promotions information; and controller retrieving promotions information associated with zone based upon vehicle entering zone (figure 1 and column 5, lines 20-55).

Regarding to claim 11, Park further discloses means for storing information linking a zone proximate to a store with promotions information associated with the store (column 5, lines 20-55).

Regarding to claim 12, Park further discloses controller displaying promotions information associated with zone only after vehicle enters zone (column 5, lines 20-55).

Regarding to claim 13, Park further discloses means for storing information linking promotions information with a business entity; and controller retrieving promotions information associated with business entity based upon a user request for information related to business entity (figure 3 and column 10, lines 25-35).

Art Unit: 2164

Regarding to claim 14, Park further discloses means for storing information linking a zone with promotions information (column 5, lines 20-55); and controller retrieving promotions information associated with zone based upon a user request for information related to business entity (column 6, lines 41-55).

Regarding to claim 17, Park further discloses controller comprises means for logging activity related to display of promotions information (column 4, lines 47-53).

Regarding to claim 27, Park further discloses means for storing at least one of position data corresponding to a position of a store with which promotions data is associated and identification data identifying store (see figure 3).

Regarding to claim 28, Park further discloses means for retrieving promotions data based upon at least one of position data and identification data (column 10, lines 25-35).

Regarding to claim 29, Park discloses an in-vehicle promotions system installed in a vehicle, comprising:

- an RF receiver configured to receive transmitted promotions information (figure 4,);

- a controller connected to receiver (figure 2, item 60);

- an interior display configured to be installed in an interior of vehicle and connected to controller where controller caused promotions information to be displayed on interior display based on a position of vehicle (figure 2, item 100; column 5, lines 20-32; column 6, lines 3-15 and figure 3) .

Art Unit: 2164

Regarding to claim 37, Park further discloses RF receiver receiving promotions information upon vehicle entering range (figure 1).

Regarding to claim 38, Park further discloses promotions information is displayed in response to information provided by a user request (column 10, lines 25-35).

Regarding to claim 43, Park discloses a method of displaying promotions information in a vehicle, comprising:

storing data corresponding to promotions information in vehicle (column 6, lines 55-65);
and

displaying data on an interior display after vehicle comes within a defined proximity to a store with which promotions information is associated (column 5, lines 20-32).

Regarding to claim 44, Park further discloses updating data (column 9, lines 18-32).

Regarding to claim 45, Park further discloses storing data linking a position of vehicle with promotions information; monitoring position of vehicle; and displaying data corresponding to promotions information using data linking position and promotions information after position of vehicle is within defined proximity to store (column 5, line 20-column 6, line 15).

Regarding to claim 49, Park further discloses defining a zone proximate to store; determining a position of vehicle; comparing position with zone; and determining whether to display data based upon comparison (column 5, lines 20-55).

Regarding to claim 50, Park further discloses monitoring a position of vehicle using one of a GPS system and a Loran system (column 4, lines 12-34).

Art Unit: 2164

Regarding to claim 51, Park further discloses transmitting data from store, and receiving data in vehicle (column 6, lines 4-16).

Regarding to claim 56, Park further discloses storing at least one of position data relating to a position of store and identification data identifying store; displaying data corresponding to promotions information based upon at least one of position data and identification data (column 8, line 52-column 9, line 5).

Regarding to claim 57, Park further discloses retrieving data corresponding to promotions information based upon at least one of position data and identification data (column 6, lines 4-16).

Regarding to claim 60, Park discloses a method of distributing promotions information, comprising:

forming a database of promotions information of at least one store (column 6, lines 55-65); wirelessly distributing data corresponding to promotions information to a vehicle (column 4, lines 20-34); and

displaying on interior display data to occupant of vehicle after vehicle comes within a defined range of store (column 6, lines 4-15).

Regarding to claim 61, Park further discloses displaying data only after vehicle comes within a defined range of store (column 6, lines 4-15).

Art Unit: 2164

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 8, 15, 16, 18-20, 30-33, 39-42, 46-48, 52, and 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, U.S. Patent No. 5,627,549 in view of Malackowski et al, U.S. Patent No. 5,867,780.

Regarding to claim 2, Park does not disclose a printer connected to controller. Malackowski discloses a printer connected to controller (figure 5, item 218). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include a printer connected to controller with Park's for the purpose of allowing the user to print out the promotional messages.

Regarding to claim 8, Malackowski further discloses display comprises touch command areas for controlling display and printing of promotions information displayed on display (column 14, lines 28-33). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include a touch screen display with Park's for the purpose of providing more convenient to the user when using touch screen input instead of keypad input.

Regarding to claims 15-16, Malackowski further discloses display displays promotions information including coupon information and means for activating printing of coupon information using printer (column 9, lines 19-23). Therefore, it would have been obvious to one

Art Unit: 2164

with ordinary skill in the art at the time the invention was made to include those feature above with Park's for the purpose of providing coupon information to the user and allowing the user prints out such coupon information.

Regarding to claim 18, Malackowski discloses a store system wirelessly linked with wireless communications device, store system comprising: a second wireless communications device; a store controller connected to second wireless communications device; store controller providing automatic promotional benefits to identified persons (column 9, lines 19-23). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of providing promotional benefits to the user.

Regarding to claim 19, Malackowski further discloses controller contains personal identification information identifying one or more persons associated with vehicle (column 9, lines 37-50); controller is adapted to communicated personal identification information to store controller (column 10, lines 3-16); and store controller is adapted to provide automatic promotional benefits to one or more persons (column 9, lines 19-23). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of identifying the user associated with vehicle in order to provide the user promotional benefit based on the user's identity.

Regarding to claim 20, Park further discloses controller is further adapted to communicate to store controller an indication of promotion displayed on display (column 6, lines 4-16).

Art Unit: 2164

Regarding to claims 30-33, Malackowski discloses a printer connected to controller; display comprises touch command areas for controlling display and printing of promotions information including coupon information displayed on display; and display includes means for activating printing of coupon information using printer (figure 5, item 218 and column 14, lines 28-33). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of providing coupon information to the user and allowing the user prints out such coupon information, and providing more convenient to the user when using touch screen input instead of keypad input.

Regarding to claim 39, Park further discloses a wireless communications device installed in vehicle and connected to controller (see figure 4). Malackowski discloses a store system wirelessly linked with wireless communications device. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the store system in Park's as taught by Malackowski for the purpose of providing promotional information from store to vehicle.

Regarding to claim 40, Malackowski further discloses store system comprises: a second wireless controller; a store controller which provides automatic promotional benefits to identified persons (column 9, lines 19-23). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of providing promotional benefits to the user.

Art Unit: 2164

Regarding to claim 41, Malackowski further discloses storing personal identification information of one or more persons associated with vehicle (column 9, lines 37-50); communication to store personal identification information and identification of data after data is displayed (column 10, lines 3-16); and providing to one or more persons an automatic promotional benefit corresponding to data (column 9, lines 19-23). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Cohen's for the purpose of identifying the user associated with vehicle in order to provide the user promotional benefit based on the user's identity.

Regarding to claim 42, Malackowski further discloses communicates to store controller an indication of promotion displayed on display (column 7, lines 37-55).

Regarding to claims 46-48, Malackowski discloses printing data including coupon information in vehicle (column 9, lines 15-25). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of allowing the user to print out the coupons information in vehicle.

Regarding to claim 52, Malackowski further discloses storing personal identification information of one or more persons associated with vehicle (column 9, lines 37-50); communication to store personal identification information and identification of data after data is displayed (column 10, lines 3-16); and providing to one or more persons an automatic promotional benefit corresponding to data (column 9, lines 19-23). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that

Art Unit: 2164

feature with Cohen's for the purpose of identifying the user associated with vehicle in order to provide the user promotional benefit based on the user's identity.

Regarding to claims 62-63, Malackowski discloses printing data comprises coupon data corresponding to promotions information (column 9, lines 15-25). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of allowing the user to print out the coupons information in vehicle.

Regarding to claim 64, Malackowski further discloses storing personal identification information of one or more persons associated with vehicle (column 9, lines 37-50); communication to store personal identification information and identification of data after data is displayed (column 10, lines 3-16); and providing to one or more persons an automatic promotional benefit corresponding to data (column 9, lines 19-23). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of identifying the user associated with vehicle in order to provide the user promotional benefit based on the user's identity.

9. Claims 21-23, 34-36, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, U.S. Patent No. 5,627,549 in view of Cohen et al, U.S. Patent No. 6,060,993.

Regarding to claims 21-23, Park does not discloses a host system...However, Cohen discloses a host system wirelessly linked with wireless communication device, host system

Art Unit: 2164

comprising: a second controller; a second wireless communication device connected to second controller; and a promotions information storage device connected to second controller (column 5, lines 30-37); receiver is adapted to output a position of vehicle to controller; controller comprises means for retrieving promotions information from host system based upon position (column 5, lines 30-37); a memory connected to controller storing information linking position and a storage location of corresponding promotions information; controller comprises means for automatically retrieving from host system updated information linking position and location of corresponding promotion information (column 5, lines 30-37). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the host system in Park's as taught by Cohen's for the purpose of providing promotion information from the host system to a vehicle.

Regarding to claims 34-36, Park does not disclose a host system...However, Cohen discloses a host system which comprises: a second controller; an RF transmitter for transmitting promotions information to RF receiver; and a promotions information storage device connected to second controller (column 5, lines 30-37); means for updating storage device (column 5, lines 35-36); RF transmitter is located in a store and has a transmitting range proximate to store (column 5, lines 24-28 and 50-53). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the host system in Park's as taught by Cohen's for the purpose of providing promotion information from the host system to a vehicle.

Art Unit: 2164

Regarding to claims 53-55, Cohen discloses transmitting data from a host system; and receiving data in vehicle (column 5, lines 37-43); using data stored in vehicle for a predetermined period of time; and updating data with updated data transmitted from host (column 4, line 60-column 5, line 3); automatically updating data with updated data (column 4, line 60-column 5, line 3). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the host system in Park's as taught by Cohen's for the purpose of providing promotion information from the host system to a vehicle.

10. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, U.S. Patent No. 5,627,549 in view of Cohen et al, U.S. Patent No. 6,060,993, and further in view of Malackowski et al, U.S. Patent No. 5,867,780.

Regarding to claim 24, Malackowski discloses a store controller in communication with second controller, store controller provides automatic promotional benefit to identified persons (column 9, lines 19-23). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of identifying the user associated with vehicle in order to provide promotional benefit to the user.

Regarding to claim 25, Malackowski further discloses controller contains personal identification information identifying one or more persons associated with vehicle (column 9, lines 37-50); controller is adapted to communicated personal identification information to store controller (column 10, lines 3-16); and store controller is adapted to provide automatic promotional benefits to one or more persons (column 9, lines 19-23). Therefore, it would have

Art Unit: 2164

been obvious to one with ordinary skill in the art at the time the invention was made to include that feature with Park's for the purpose of identifying the user associated with vehicle in order to provide the user promotional benefit based on the user's identity.

Regarding to claim 26, Malackowski further discloses controller further communicates to store controller an indication of promotion displayed on display (column 14, lines 28-33).

Conclusion

11. Claims **1-8, 10-57, and 60-64** are rejected.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703) 306-2901.

The examiner can normally be reached on Monday-Friday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

13. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 2700
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:


Art Unit: 2164

(703) 308-5397 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington.
VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
June 15, 2001


MELANIE A. KEMPER
PRIMARY EXAMINER